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United States Patent and Trademark Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Mr. John A. Ward, Art Unit 2875

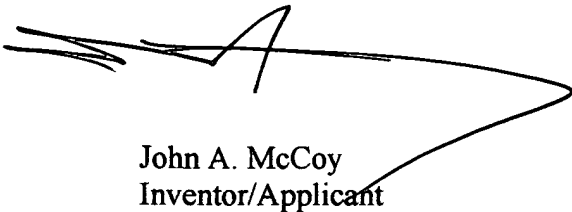
Re: Application No. 10/826,547  
Applicant: John A. McCoy

Response to Office Action Dated 11/03.2005

Dear Mr. Ward,

The applicant has received your Office Action of November 3, 2005, in which claims 1-6 were rejected on the basis of Burnidge (US 6,776,501). The applicant is hereby submitting evidence under Rule 131 that shows that his invention was made prior to Burnidge's filing date and therefore Burnidge is no longer available as prior art. On that basis, applicant submits that all of the rejections of record have been overcome and respectfully solicits the issuance of a Notice of Allowance.

Sincerely,



John A. McCoy  
Inventor/Applicant

## Office Action Summary

Application No.

10/826,547

Applicant(s)

MCCOY, JOHN ANDREW

Examiner

John A. Ward

Art Unit

2875

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Burnidge (US 6,776,501).

Regarding claim 1, Burnidge ('501) discloses a illuminating handle/strap having a translucent polymer shell structure 10, a Led illumination unit 30, a switch (column 2, lines 25-29) a translucent polymer 20, means for illuminating the exterior surface being that as a illumination unit powered by a battery 50, and means to the handle (figure 1).

Regarding claim 2, Burnidge teaches that the LED illumination unit can be constant or intermittent illumination (column 2, lines 25-29).

Regarding claims 3-4 Burnidge shows a plurality of at least two LED illumination units inside the handle (figure 1).

Regarding claim 5, Burnidge teaches in claim 6 that the translucent polymer shell has a predetermine length that will hold the shell to a handle.

***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnidge.

Regarding claim 6, Burnidge shows a opaque symbol (not labeled) in figure 1 being that of a flexible design but does not teach the design being made of a opaque design that can be laminated onto the surface of the shell structure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to laminate the symbol onto the shell structure, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of choice. ***In re Leshin, 125***

***USQP 416.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW  
October 31, 2005

A handwritten signature in black ink, appearing to read 'JAW', with a large, sweeping loop at the end.

**JOHN ANTHONY WARD  
PRIMARY EXAMINER**

[illegible]

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Complete if Known**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet

1

1

2

Application Number

10 / 826,547

Filing Date

4/16/04

**First Named Inventor**

JOHN. A. WASSON

### Art Unit

Examiner Name

Attorney Docket Number

## U. S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
JW		Number-Kind Code <sup>2</sup> (11 digits)			
	US	6,585,390	07-1-03	STONE ETAL	
	US	6,582,093	06-24-03	BRANAUGH, ETAL	
	US	6,499,857	12-31-02	LUMLEY	
	US	6,447,142	09-10-02	WEIR	
	US	6,431,724	08-13-02	TEDHAM, ETAL	
	US	6,340,235	01-22-02	BRYAN	
	US	6,224,234	05-1-01	DEMMEBRY	
	US	6,213,616	04-10-01	CHIEH	
	US	6,200,000	03-13-01	BURNIDGE	
	US	6,132,059	10-17-00	LEIBOWITZ	
	US	6,106,130	08-22-00	HARDING	
	US	6,059,423	05-9-00	KNOPICK	
	US	5,908,232	06-1-99	BURNS, ETAL	
	US	5,690,412	11-25-97	SHELDON	
	US	5,567,037	10-22-96	FARBEN	
	US	5,444,605	8-22-95	RIVERA	
	US	5,268,827	11-19-94	GRANKEMAN	
	US	5,073,844	12-17-91	COYNER, ETAL	

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date	
Considered	

10-31-68

\*EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

**If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.**

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

***(Use as many sheets as necessary)***

Sheet

2

of

2

**Complete if Known**

Application Number

10/826,547

Filing Date

4/16/04

First Named Inventor

JOHN A. MCSOY

**Art Unit**

Examiner Name

Attorney Docket Number

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date Considered

10-31-05

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

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<b>Notice of References Cited</b>	Application/Control No. 10/826,547	Applicant(s)/Patent Under Reexamination MCCOY, JOHN ANDREW	
	Examiner John A. Ward	Art Unit 2875	Page 1 of 2

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,776,501	08-2004	Burnidge, Lane E.	362/156
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.